

111TH CONGRESS
1ST SESSION

H. R. 3469

To amend title II of the Social Security Act to provide that disability determinations under such title on the basis of hearings by the Commissioner of Social Security are made on a timely basis and to require the Commissioner to establish a program for monitoring each year the number of disability determinations which are in reconsideration.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2009

Ms. CASTOR of Florida (for herself, Mr. BERMAN, Mr. BISHOP of New York, Mr. BOCCIERI, Ms. BORDALLO, Mr. BOREN, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BUCHANAN, Mr. BURGESS, Mr. BUTTERFIELD, Mr. CARDOZA, Mr. CARNAHAN, Mr. CARNEY, Mr. CHILDERS, Mr. CLEAVER, Mr. CONNOLLY of Virginia, Mr. COSTELLO, Mrs. DAVIS of California, Mr. DELAHUNT, Ms. DELAURO, Mr. DONNELLY of Indiana, Ms. EDWARDS of Maryland, Mr. ELLISON, Mr. ETHERIDGE, Mr. FALEOMAVAEGA, Mr. FARR, Ms. FUDGE, Ms. GIFFORDS, Mr. GONZALEZ, Mr. GORDON of Tennessee, Mr. GRAYSON, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HARE, Mr. HILL, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOLT, Mr. ISRAEL, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Mr. KAGEN, Ms. KAPTUR, Mr. KENNEDY, Ms. KILPATRICK of Michigan, Mr. KISSELL, Mr. KLEIN of Florida, Mr. LANGEVIN, Ms. LEE of California, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY, Mr. MARKEY of Massachusetts, Mr. MASSA, Ms. MATSUI, Mr. MCGOVERN, Mr. MCHUGH, Mr. MCINTYRE, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MICHAUD, Ms. MOORE of Wisconsin, Mrs. NAPOLITANO, Mr. NYE, Mr. OLVER, Mr. ORTIZ, Mr. PAYNE, Mr. RAHALL, Mr. RODRIGUEZ, Mr. ROSS, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RUSH, Mr. SARBANES, Mr. SCHIFF, Mr. SCOTT of Virginia, Mr. SIREs, Mr. SNYDER, Mr. SPACE, Ms. SUTTON, Mr. TAYLOR, Mr. THOMPSON of California, Mr. THOMPSON of Mississippi, Mr. WALZ, Ms. WASSERMAN SCHULTZ, Ms. WATSON, Mr. WEXLER, Mr. WILSON of Ohio, Mr. WU, and Mr. YOUNG of Florida) introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend title II of the Social Security Act to provide that disability determinations under such title on the basis of hearings by the Commissioner of Social Security are made on a timely basis and to require the Commissioner to establish a program for monitoring each year the number of disability determinations which are in reconsideration.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Timely Due Process
 5 for People with Disabilities Act of 2009”.

6 **SEC. 2. ESTABLISHMENT OF TIME FRAMES TO ENSURE** 7 **TIMELY DISABILITY DETERMINATIONS.**

8 (a) IN GENERAL.—Section 221(d) of such Act (42
 9 U.S.C. 421(d)) is amended—

10 (1) by inserting “(1)” after “(d)”; and

11 (2) by adding at the end the following new
 12 paragraph:

13 “(2) The Commissioner of Social Security shall en-
 14 sure that—

15 “(A) the scheduling of the date for the hearing
 16 described in paragraph (1) occurs before the end of
 17 the period of 5 business days after the date of the
 18 request for the hearing;

1 “(B) the date scheduled for the hearing is dur-
2 ing the period of 15 business days after the period
3 of 60 business days after the date of the request;
4 and

5 “(C) any disability determination on the basis
6 of the hearing is issued before the end of the period
7 of 15 business days after the date on which the
8 hearing is concluded.”.

9 (b) EFFECTIVE DATE.—

10 (1) IN GENERAL.—The amendments made by
11 this section shall apply with respect to hearings
12 under section 221(d) of the Social Security Act com-
13 menced on or after the date of the enactment of this
14 Act.

15 (2) HEARINGS REQUESTED PRIOR TO DATE OF
16 ENACTMENT.—In the case of any hearing described
17 in paragraph (1) which was requested prior to the
18 date of the enactment of this Act—

19 (A) the requirements of subparagraph (A)
20 of section 221(d)(2) of such Act (as added by
21 subsection (a)) shall apply as if the date of the
22 request for the hearing is the date of the enact-
23 ment of this Act; and

24 (B) the requirements of subparagraph (B)
25 of such section 221(d)(2) shall be treated as

1 met if the date scheduled for the hearing is
2 during the period of 15 business days following
3 the later of the last day of the period of 60
4 business days referred to in such subparagraph
5 or the date of the enactment of this Act.

6 **SEC. 3. MONITORING OF DISABILITY DETERMINATIONS IN**
7 **RECONSIDERATION.**

8 Section 221 of the Social Security Act (42 U.S.C.
9 421) is amended by adding at the end the following new
10 subsection:

11 “(n) The Commissioner of Social Security shall estab-
12 lish and maintain a program under which—

13 “(1) there is established a target number for
14 disability determinations under this section which
15 are in reconsideration at the end of each year, and

16 “(2) progress toward attaining that target is
17 regularly monitored and assessed during the year.”.

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